

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**JULIE WINTER**  
**P O Box 36**  
**Carthage, MO 64836**

**Registered Nurse License No. 319657**

Respondent

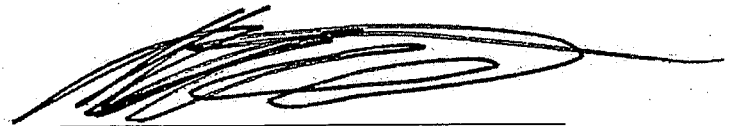
Case No. 2012-271

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **July 16, 2012.**

IT IS SO ORDERED **July 16, 2012.**



Erin Niemela  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
4 State Bar No. 161082  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **THE SUCCESSOR TO THE BOARD OF REGISTERED NURSING**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-271

12 **JULIE WINTER**  
Post Office Box 36  
13 Carthage, MO 64836  
Registered Nurse License No. 319657

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 Respondent.  
15

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant), brought this action solely in her capacity  
21 as Executive Officer of the Board of Registered Nursing (Board), Department of Consumer  
22 Affairs. This action is maintained pursuant to a Delegation of Authority from the Board and its  
23 Executive Officer to the Department of Consumer Affairs, effective December 31, 2011. The  
24 Board or its successor is represented in this matter by Kamala D. Harris, Attorney General of the  
25 State of California, by Diann Sokoloff, Supervising Deputy Attorney General.

26 2. Julie Winter (Respondent) is representing herself in this proceeding and has chosen  
27 not to exercise her right to be represented by counsel.  
28

1       3.     On or about August 31, 1980, the Board of Registered Nursing issued Registered  
2 Nurse License No. 319657 to Julie Winter (Respondent). The Registered Nurse License was in  
3 full force and effect at all times relevant to the charges brought in Accusation No. 2012-271 and  
4 will expire on July 31, 2012, unless renewed.

5                                   JURISDICTION

6       4.     Accusation No. 2012-271 was filed before the Board and is currently pending against  
7 Respondent. The Accusation and all other statutorily required documents were properly served  
8 on Respondent on October 31, 2011. Respondent timely filed her Notice of Defense contesting  
9 the Accusation.

10                               ADVISEMENT AND WAIVERS

11       5.     Pursuant to Business and Professions Code section 102.3, the Board delegated its  
12 duties to the Department of Consumer Affairs by way of an interagency agreement, effective  
13 December 31, 2011, until legislation re-establishing the Board takes effect. A copy of the  
14 interagency agreement is attached as Exhibit B and incorporated by reference. Hereinafter, all  
15 references to the Board shall include the Board or its successor.

16       6.     Respondent acknowledges and agrees that the Board or its successor has continuing  
17 jurisdiction to discipline her license.

18       7.     Respondent has carefully read, and understands the charges and allegations in  
19 Accusation No. 2012-271. Respondent also has carefully read, and understands the effects of this  
20 Stipulated Surrender of License and Order.

21       8.     Respondent is fully aware of her legal rights in this matter, including the right to a  
22 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
23 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
24 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
25 compel the attendance of witnesses and the production of documents; the right to reconsideration  
26 and court review of an adverse decision; and all other rights accorded by the California  
27 Administrative Procedure Act and other applicable laws.  
28

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

10. Should this stipulated surrender be presented at a hearing before an Administrative Law Judge for preparation of a proposed decision, Respondent voluntarily, knowingly, and intelligently waives stenographic reporting of the proceeding and hereby consents to electronic reporting of the proceeding (Gov. Code, § 11512 (d)).

## CULPABILITY

11. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-271, agrees that cause exists for discipline and hereby surrenders to the Board her Registered Nurse License No. 319657.

## CONTINGENCY

12. This stipulation shall be subject to approval by the Board pursuant to the Board's delegation of authority as set forth in the attached interagency agreement. Respondent understands and agrees that counsel for Complainant and Board staff may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel.

By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation before the Board act on it or it becomes effective by operation of law pursuant to the Administrative Procedure Act (Gov. Code, § 11340 et seq.). If the Stipulated Surrender and Disciplinary Order is rejected by the Board as the final resolution of the pending accusation, it shall be of no force or effect, except for this paragraph it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
2 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order  
3 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
4 executed by an authorized representative of each of the parties.

5 15. In consideration of the foregoing admissions and stipulations, the parties agree to the  
6 following Order.

7 **ORDER**

8 IT IS HEREBY ORDERED that Registered Nurse License No. 319657, issued to  
9 Respondent Julie Winter, is surrendered.

10 1. The surrender of Respondent's Registered Nurse License shall constitute the  
11 imposition of discipline against Respondent. This stipulation constitutes a record of the discipline  
12 and shall become a part of Respondent's license history with the Board.

13 2. Respondent shall lose all rights and privileges as a registered nurse in California as of  
14 the effective date of the Decision and Order.

15 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was  
16 issued, her wall certificate on or before the effective date of the Decision and Order.

17 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
18 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
19 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
20 effect at the time the petition is filed, and all of the charges and allegations contained in  
21 Accusation No. 2012-271 shall be deemed to be true, correct and admitted by Respondent when  
22 the Board determines whether to grant or deny the petition.

23 5. If and when Respondent's license is reinstated, she shall pay to the Board, costs  
24 associated with its investigation and enforcement pursuant to Business and Professions Code  
25 section 125.3 in the amount of \$1,370.00. Respondent shall be permitted to pay these costs in a  
26 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the  
27 Board from reducing the amount of cost recovery upon reinstatement of the license.  
28

6. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order.

DATED: 3-1-12

  
JULIE WINTER  
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted.

Dated:

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General

  
DIANN SOKOLOFF  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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## **Exhibit A**

**Accusation No. 2012-271**

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1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SUSANA A. GONZALES  
Deputy Attorney General  
4 State Bar No. 253027  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2221  
Facsimile: (510) 622-2270  
7 Attorneys for Complainant

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-271

12 JULIE ANNE WINTER  
Post Office Box 36  
13 Carthage, MO 64836  
Registered Nurse License No. 319657

ACCUSATION

14 Respondent.

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17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about August 31, 1980, the Board of Registered Nursing issued Registered  
23 Nurse License Number 319657 to Julie Anne Winter (Respondent). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought in this Accusation  
25 and will expire on July 31, 2012, unless renewed.  
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1 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
2 action.

3 ...  
4 "(b) Procuring his or her license by fraud, misrepresentation, or mistake.

5 ...  
6 "(e) Making or giving any false statement or information in connection with the application  
7 for certificate or license."

8 8. Section 2762 of the Code states, in pertinent part:

9 "In addition to other acts constituting unprofessional conduct within the meaning of this  
10 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
11 chapter to do any of the following:

12 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
13 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
14 administer to another, any controlled substance as defined in Division 10 (commencing with  
15 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
16 defined in Section 4022.

17 "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
18 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
19 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
20 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
21 ability to conduct with safety to the public the practice authorized by his or her license."

22 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

23 9. Code section 4021 states:

24 "'Controlled substance' means any substance listed in Chapter 2 (commencing with Section  
25 11053) of Division 10 of the Health and Safety Code."

26 10. Code section 4022 provides:

27 "'Dangerous drug' or 'dangerous device' means any drug or device unsafe for self-use in  
28 humans or animals, and includes the following:



1 resident, who was wheelchair-bound, out onto the patio of MVH. There were no other staff  
2 members or residents present on the patio. Respondent was terminated for leaving the resident  
3 outside unattended. The Settlement Agreement concluded that cause for discipline against  
4 Respondent's Missouri registered nurse license existed based upon Respondent's violation of  
5 professional trust or confidence.

6 SECOND CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct – Misrepresentation in Procuring License)  
8 (Bus. & Prof. Code § 2761, subd. (b))

9 15. Complainant realleges the allegations contained in paragraphs 13 and 14 above, and  
10 incorporates them by reference as if fully set forth.

11 16. Respondent has subjected her registered nurse license to discipline under Code  
12 section 2761, subdivision (b), in that she procured the renewal of her California nursing  
13 certification from the California Board of Registered Nursing (California Board) through  
14 misrepresentation. The circumstances are as follows:

15 17. On or about July 27, 2010, Respondent submitted an Application for renewal of her  
16 California registered nurse license to the California Board. In her Application, Respondent  
17 specifically denied having had a license disciplined by a government agency or other disciplinary  
18 body since she last renewed her license. Prior to July 27, 2010, Respondent last renewed her  
19 California registered nurse license on or about July 29, 2008. Given the disciplinary action taken  
20 against Respondent's Missouri registered nurse license by the Missouri Board on or about  
21 January 19, 2010, as set forth in paragraphs 13 and 14 above, Respondent's denial of prior  
22 discipline constitutes a misrepresentation in procuring the renewal of her California registered  
23 nurse license.

24 THIRD CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct – False Statement or Information in Application)  
26 (Bus. & Prof. Code § 2761, subd. (e))

27 18. Complainant realleges the allegations contained in paragraphs 13, 14, and 17 above,  
28 and incorporates them by reference as if fully set forth.

19. Respondent has subjected her registered nurse license to discipline under Code

1 section 2761, subdivision (e), in that she made or gave false statements and information to the  
2 California Board in connection with her application for renewal of her California registered nurse  
3 license. The circumstances are set forth above in paragraphs 13, 14, and 17.

4 FOURTH CAUSE FOR DISCIPLINE

(Possession of Controlled Substance)

5 (Bus. & Prof. Code §§ 2761, subd. (a), 2762, subd. (a))

6 20. Respondent has subjected her registered nurse license to discipline under Code  
7 section 2761, subdivision (a), as defined by Code section 2762, subdivision (a), in that on or  
8 about October 27, 2010, Respondent unlawfully possessed marijuana, a controlled substance.  
9 Specifically, on or about October 27, 2010, Respondent consented to a search of her vehicle by  
10 the Carthage Police Department. An officer from the Carthage Police Department found an  
11 Altoids container in the trunk of Respondent's vehicle that contained a green leafy substance  
12 which field tested positive for marijuana.

13 FIFTH CAUSE FOR DISCIPLINE

(Self-Administration of Controlled Substance)

14 (Bus. & Prof. Code §§ 2761, subd. (a), 2762, subd. (b))

15 21. Respondent has subjected her registered nurse license to discipline under Code  
16 section 2761, subdivision (a), as defined by Code section 2762, subdivision (b), in that on or  
17 about October 26, 2010, Respondent self-administered marijuana, a controlled substance. During  
18 Respondent's arrest by the Carthage Police Department on or about October 27, 2010,  
19 Respondent admitted that she smoked marijuana on the day prior to her arrest.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
22 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

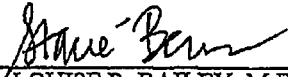
23 1. Revoking or suspending Registered Nurse License Number 319657, issued to Julie  
24 Anne Winter;

25 2. Ordering Julie Anne Winter to pay the Board of Registered Nursing the reasonable  
26 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
27 Code section 125.3;  
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3. Taking such other and further action as deemed necessary and proper.

DATED: October 31, 2011

  
for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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## **Exhibit B**

### **Interagency Agreement between the Department of Consumer Affairs and the California Board of Registered Nursing**

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STATE OF CALIFORNIA )  
 )  
COUNTY OF SACRAMENTO )

SS:



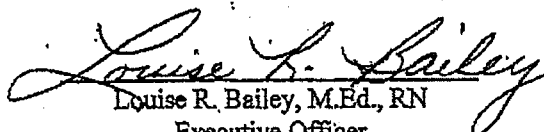
DECLARATION

I am a United States citizen and I am over the age of eighteen. I HEREBY CERTIFY that I, Louise R. Bailey, am the Executive Officer for the California State Board of Registered Nursing ("Board"), Department of Consumer Affairs, 1747 N. Market Blvd., Suite 150, Sacramento, CA, and am the official delegated Custodian of the Records for the Board of Registered Nursing. I am responsible for their maintenance pursuant to Chapter 6, Division 2 of the California Business & Professions Code and certify the contents of said records pursuant to Sections 162 and 163 of the Business and Professions Code.

I hereby state that:

Attached is a true certified copy of the Interagency Agreement between the Board of Registered Nursing and the Department of Consumer Affairs.

I declare under penalty of perjury under the laws of the United States that the above statements are true and correct to the best of my knowledge and belief. Given under my hand and the seal of the Board of Registered Nursing, Department of Consumer Affairs, at Sacramento, California, this 28<sup>th</sup> day of December 2011.

  
Louise R. Bailey, M.Ed., RN  
Executive Officer



## **INTERAGENCY AGREEMENT**

**Between the Department of Consumer Affairs  
&  
California Board of Registered Nursing**

WHEREAS, Business and Professions Code Sections 2701 and 2708, establishing the Board of Registered Nursing ("Board") and providing for an Executive Officer to perform the duties delegated by the Board will become ineffective and repealed effective January 1, 2012; and

WHEREAS, the Nursing Practice Act has not been repealed and will remain in full force and effect; and

WHEREAS, the Board is within the Department of Consumer Affairs ("Department"); and

WHEREAS, it is the mission of the Board and Department to provide as much consumer protection as possible; and

WHEREAS, the Board has, by vote at its meeting on November 16, 2011, delegated to the Department as of December 31, 2011, those duties, powers and responsibilities that the Board has previously delegated to the Board's Executive Officer as of December 31, 2011, and, further, approved entering into this agreement; and

WHEREAS, the Board and the Department wish to provide for the continued administration of those provisions of the Nursing Practice Act that have been delegated to the Board's Executive Officer in an uninterrupted and stable manner until legislation re-establishing the Board takes effect;

NOW THEREFORE, the parties to this Interagency Agreement (hereinafter "Agreement") agree as follows:

1. The Department accepts the delegation as approved by the Board and confirmed in this Agreement, and agrees to perform all such responsibilities in the best interests of protecting the public and consistently with the Nursing Practice Act.
2. The Board hereby authorizes and empowers the Department to the extent authorized by law, and subject to the review and approval of the State and Consumer Services Agency, to exercise those powers, duties and responsibilities that have been delegated to the Board's Executive Officer as of December 31, 2011, to administer the Nursing Practice Act.
3. The Board hereby authorizes the Department to utilize any previously appropriated funds of the Board to carry out the responsibilities in administering the Nursing Practice Act in conjunction with this Agreement; and those funds shall be used for the

purposes for which the Board of Registered Nursing Fund, Professions and Vocations Fund was established.

4. The Department shall adhere to all current Board policies while this Agreement is in effect; all regulations and policies that have been adopted by the Board as of December 31, 2011, shall remain in effect until the time that legislation re-establishing the Board takes effect.

5. This Agreement shall take effect on December 31, 2011, and remain in effect until the time that legislation re-establishing the Board takes effect.

6. In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

IT IS SO AGREED:

Department of Consumer Affairs ("Department")

By Brian Stiger  
Brian Stiger, Acting Director

12/14/11  
Date

California Board of Registered Nursing

By Jeannine Graves  
Jeannine Graves, President  
Doug Hofman, Vice President

12/14/11  
Date

Approved:

By Anna M. Caballero  
Anna M. Caballero, Secretary  
State and Consumer Services Agency

12/14/11  
Date